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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/057,556	04/09/1998	SHUICHI OKAMURA		6532
5514	7590	06/17/2004		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
			EXAMINER TSEGAYE, SABA	
			ART UNIT 2662	PAPER NUMBER 22

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/057,556

Applicant(s)

OKAMURA

Examiner

Saba Tsegaye

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-3, 8, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurobe et al. (US 6,233,251) in view of Goetz et al. (5,956,729).

Regarding claims 1, 2, 13 and 14, Kurobe discloses a communication apparatus that performs data communication via a communication network, the apparatus comprising:

a packet transmitter for transmitting image data in packets and for selectively transmitting sound data in packets, wherein the sound data is divided into packets of invariable packet size (fixed-length data not employing retransmission; e.g. an audio frame) and the image data is divided into packets of variable packet size based on the size of each sound data packet (column 4, lines 20-33; column 21, lines 20-29; column 58, lines 40-59).

Kurobe does not expressly disclose a detector for detecting an amount of sound data to be transmitted in packets; and a controller for controlling the variable packet size of the packets of image data to be transmitted by the packet transmitter, according to a detection result of the detector.

However, Kurobe discloses as stated above the function of the detector and controller that is the variable-length (image data) data has a frame length changed depending on the length of the fixed-length data (sound data).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include a detector/controller within the realm of

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framing as disclosed by Kurobe in order to provide devices on which other devices rely for access to communication apparatus subsystem.

Further, Kurobe does not expressly disclose wherein the image data is divided into packets dependent upon a **ratio** of an amount of image data to amount of sound data.

Goetz teaches that selecting the related packets based on a **ratio** relating the various streams, for example, several audio packets may correspond to a single video packet (column 13, lines 24-38).

Kurobe discloses that the variable length data (video data) is changed depending on the length of the fixed-length data (audio data) (see abstract). The system of Kurobe could be modified to use a ratio of such amounts when dividing image data into packets. At the time the invention was made, it would have been obvious to one ordinary skill in the art to combine the system disclosed by Kurobe, with a ratio of such amounts when dividing image data into packets. One of ordinary skill in the art would have been motivated to do this so to utilize a network's resources more efficiently.

Regarding claim 2, Kurobe discloses a communication apparatus, wherein the controller changes the packet size of the image data gradationally according to the amount of the sound data to be transmitted in packets (column 6, lines 30-44).

Regarding claim 3, Kurobe discloses a communication apparatus, wherein the controller changes the packet size of the image data according to whether the amount of the sound data to be transmitted in packets is zero or non-zero (column 4, line 66-column 5, line 4).

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Regarding claim 8, Kurobe discloses a communication apparatus, further comprising a compression unit for compressing at least one of the image data and the sound data (column 1, lines 7-30).

Kurobe discloses all the claim limitations as stated above. Further, Kurobe shows, in fig. 10, a multiplex transmission device that discloses a transmitting side and a receiving side.

However, Kurobe does not expressly disclose an image input, a sound input, a display, and a sound output.

Regarding claims 4-7, 9, 11 and 12, Goetz teaches, in Fig. 8, a video camera 810, a microphone 815, and a VCR 805. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add devices for an image input, a sound input, a display, and a sound output to the apparatus of Kurobe, as taught by Goetz in order to allow multiple users to participate in a video teleconference.

Regarding claim 10, Kurobe discloses a method of multiplexing and transmitting compressed audio data and video data. Further, Kurobe shows, in Fig 10, a transmitting side and a receiving side.

However, Kurobe does not expressly disclose an expansion unit.

It would have been obvious to one ordinary skill in the art at the time of the invention was made to add an expansion unit in the receiving side of Kurobe in order to restore the contents of a compressed data to its original form.

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Response to Arguments

2. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

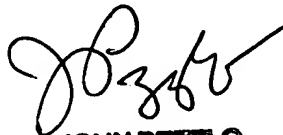
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST
June 13, 2004


JOHN PEZZLO
PRIMARY EXAMINER